

Bill No. 1-01
Concerning: Streets and Roads - Snow Removal
Revised: Apr. 10, 2001 Draft No. 12
Introduced: January 23, 2001
Enacted: April 10, 2001
Executive: Returned unsigned
Effective: July 24, 2001
Sunset Date: None
Ch. 6, Laws of Mont. Co. 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Andrews, Leggett, and Silverman.

AN ACT to:

- (1) require property owners and occupants to remove snow and ice from certain walkways and parking areas;
- (2) prohibit obstruction of parking spaces reserved for handicapped individuals; and
- (3) generally amend County law regarding snow and ice removal and obstruction of certain parking areas.

By amending

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Section 31-26A
Chapter 49, Streets and Roads
Section 49-24A

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| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Short Title.

This Act may be cited as “The Pedestrian Winter Safety Act of 2001”.

Sec. 2. Sections 31-26A and 49-24A are amended as follows:

31-26A. [Same -] Parking [in] spaces reserved for handicapped individuals.

(a) *Application and interpretation of this section.* This section applies to all parking facilities that are open for use by members of the general public.

The requirements in this section are in addition to, not instead of, any other federal, State, or local law regarding parking spaces reserved for handicapped individuals.

(b) *How to tell when a parking space is reserved for handicapped individuals.* A parking space is reserved for handicapped individuals if it is designated by an official sign.

(c) *When a person may park a vehicle in a space that is reserved for handicapped individuals.* An individual [may] must not park a vehicle in a space reserved for handicapped individuals [if] unless:

(1) [An] an individual who will be getting into or out of the vehicle is handicapped; and

(2) [In addition,] a special state registration plate for handicapped individuals or a disabled person’s parking permit is displayed on or in the vehicle.

(d) Obstructing a space reserved for handicapped individuals. A person who is responsible under Section 49-24A(a) for removing snow and ice from a parking area must not at any time obstruct, or allow another person to obstruct, any space in the parking area that is reserved for handicapped individuals. This subsection applies to any type of obstruction, other than a legally parked vehicle, such as plowed snow or ice, construction materials, or an illegally parked vehicle owned or

controlled by the person. A natural accumulation of snow or ice in a parking area reserved for handicapped individuals is not an “obstruction” under this subsection, but must be removed when and as required by Section 49A-24A.

49-24A. Accumulation of snow and ice on [commercial, multi-family and industrial] property prohibited.

- (a) [Owners and managers of commercial and multi-family properties, and industrial properties in commercial and office use, shall be jointly and severally responsible for removing snow and ice to the extent necessary to provide safe pedestrian pathways along sidewalks and walkways (1) between parking areas on those properties and entrances to the buildings and (2) between stopping points for bus transportation adjacent to those properties and entrances to the buildings. It is the intent that the pathway be wide enough for safe pedestrian use.]

(1) A person is responsible for removing snow and ice on any sidewalk, other walkway, or parking area on or adjacent to property that the person owns, leases, or manages, including any walkway in the public right-of-way, to provide a pathway wide enough for safe pedestrian and wheelchair use.

(2) [[An]]Except as provided in paragraph (4), an owner, tenant, or manager is jointly and severally responsible for clearing snow and ice from the property and complying with Section 31-26A(d).

(3) [[This requirement does]] The requirements of this Section do not apply to:

(A) an unpaved walkway;

(B) a private walkway or parking area on the property of a single-family residence;

(C) a public walkway behind a single-family residence that is not directly accessible from the owner's property; or

(D) a walkway that is privately owned:

(i) used solely for recreation; and

(ii) not the primary route for pedestrian access to a winter recreational facility open to the public.

(4) (A) An individual who lives in a multi-family residential property is not responsible for removing snow and ice from a common walkway or parking area.

(B) A homeowners' association, as that term is used in State law, is not responsible for removing snow and ice from a walkway adjacent to a single-family residential lot, if the lot owner is responsible under paragraph (1) for removing snow and ice from that walkway.

(b) If [an owner or manager is unable to remove] ice or hardpacked snow [from sidewalks, walkways or pathways as described in subsection (a) hereof, then the owner or manager shall apply] is impossible or unreasonably difficult to remove, the person is responsible for applying sufficient sand, other abrasives, or salt [so as] to provide safe pedestrian use.

(c) [Snow removal or sand or salt application shall be accomplished within twenty-four (24) hours from the time the precipitation stopped.] The person is responsible for removing snow and ice within 24 hours after the end of the precipitation that caused the condition. If a snowplow redeposits snow or ice on a sidewalk or other walkway after a person has complied with this Section, the person is not responsible for clearing

the walkway until 24 hours after the snowplow redeposited the snow or ice.

(d) [The police department shall be responsible for enforcing the provisions of this section.] The County Executive must designate a department to enforce this Section and may designate other County employees or contractors to enforce this Section.

(e) The [county executive is authorized, in his discretion, to issue orders modifying the time and] Executive may order a different deadline or conditions for [clearing sidewalks and walkways taking into consideration the variable situations that may arise in connection with the fall of precipitation and its contemplated removal] removing snow and ice during or immediately after a severe or unusual storm or other public-safety condition.

(f) In addition to any other remedy or penalty for a violation of this Section, the County may clear the snow and ice and charge the responsible property owner for the cost, which the County may collect in the same manner as property taxes.

[(f)]

(g) [Any person violating any of the provisions of] A violation of this [section shall be subject to punishment for] Section is a class C violation [as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation of the provisions of this chapter shall continue to exist shall constitute a separate offense]. A person authorized to enforce this Section must not issue a [[notice of violation]] citation for a violation unless the violation still exists 24 hours after a [[written warning]] notice of violation. An authorized enforcement officer may issue the [[warning]] notice of violation to any person responsible under

subsection (a) for clearing the snow or ice, or post the [[warning]] notice
in a conspicuous place on the property where the violation exists. Each
day a violation continues to exist is a separate violation, except for a
violation on or adjacent to a single-family residential property.

Sec. 3. Enforcement.

The County Executive must make the initial designation referred to in Section 49-24A(d), as amended by Section 2 of this Act, not later than 90 days after this Act becomes law. Notwithstanding this 90-day deadline, any prior statutory or Executive designation of authority to enforce Code Section 49-24A remains in effect until the Executive makes the initial designation.

Approved:

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| /S/ | 4/12/01 |
| Blair G. Ewing, President, County Council | Date |

Approved:

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| Returned unsigned | 4/23/01 |
| Douglas M. Duncan, County Executive | Date |

This is a correct copy of Council action.

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| /S/ | 4/23/01 |
| Mary A. Edgar, CMC, Clerk of the Council | Date |